



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 14-2

May 15, 2014

Comcast of Massachusetts III, Inc. v. Peabody Municipal Light Plant and Peabody Municipal Lighting Commission.

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### HEARING OFFICER ORDER DIRCTING PARTIES TO PRODUCE PROCEDURAL BRIEFS

On May 14, 2014, the Department of Telecommunications and Cable ("Department") held an informal procedural meeting at its Boston Offices to discuss the timing and format of the above-captioned investigation. At the meeting, the Department sought comment on the proposed schedules of the Department and of Comcast of Massachusetts III, Inc., ("Comcast"). After discussion, the Department now directs Parties to brief the following modified schedule proposal:

#### The Modified Proposal

The Department is considering a two-phase inquiry into the pole attachment rates of the Peabody Municipal Light Plant ("PLMP") and the Peabody Municipal Lighting Commission ("PLMC"). In the first phase ("Phase I"), the Department would determine whether the formula set forth in D.P.U./D.T.E. 97-82, *Cablevision of Boston Co. et al. v. Boston Edison Co.*, 1998 WL 35235111 (Apr. 15, 1998), and D.T.E. 98-52, *A-R Cable Servs. Inc., et al. v. Mass. Elec. Co.* (Nov. 6, 1998) for establishing the maximum permitted pole attachment rates of utility companies, applies to municipal light plants and municipal lighting commissions established pursuant to G. L. c. 164. The second phase of inquiry ("Phase II") will focus on discovery and an evidentiary hearing into the PLMC/PLMP specific facts of the case.

#### Briefing Issues

1. Explain in detail whether the proposed two-phase format would unduly prejudice any party to this case or otherwise produce an inefficient or inequitable result.
2. Explain in detail whether the legal threshold articulated above is accurate, and could it be addressed separately from the specifics of the PLMP/PLMC rate studies.
3. Address the Town of Ashburnham's Motion to Intervene as it would relate to participation in each phase of this investigation.

Order

The parties are directed to submit briefs on the above outlined Briefing Issues no later than the close of business on May 27, 2014.

So Ordered,

/s/Lindsay DeRoche  
Lindsay E. DeRoche  
Hearing Officer